

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

ANTHONY DAVID TEAGUE, #01976916	§	
	§	
VS.	§	CIVIL ACTION NO. 4:16cv814
	§	
DIRECTOR, TDCJ-CID	§	

ORDER

Petitioner filed a motion to expedite his case (Dkt. #53) and a motion for clarification (Dkt. #54). In his motion for clarification, Petitioner is complaining that the Court has not considered his case yet, and asks the Court to clarify what is meant by a “short time.” These motions are moot as the Report and Recommendation (Dkt. #56) was issued on July 3, 2019.

Petitioner also filed a motion to “conditionally withdraw grounds” (Dkt. #58) on July 12, 2019, which is construed as a motion to amend. Federal Rule of Civil Procedure 15 governs amended and supplemental pleadings, which applies to proceedings brought pursuant to 28 U.S.C. § 2254. Under Fed. R. Civ. P. 15(c), a court may, in its discretion, permit an amendment that clarifies or amplifies a claim or theory in a timely-filed § 2254 petition after the one-year statute of limitations of the Antiterrorism and Effective Death Penalty Act of 1996 (“AEDPA”) has expired. *United States v. Thomas*, 221 F.3d 430, 433-34 (3rd Cir. 2000). Both the Response and the Report and Recommendation were filed prior to Petitioner’s motion; thus, the motion will be denied.

It is accordingly **ORDERED** Petitioner's motion to expedite (Dkt. #53) and motion for clarification (Dkt. #54) are **DENIED** as moot. It is also **ORDERED** Petitioner's motion to withdraw grounds (Dkt. #58) is **DENIED**.

SIGNED this 5th day of August, 2019.

A handwritten signature in black ink, appearing to read 'KLPJ', is written over a horizontal line.

KIMBERLY C. PRIEST JOHNSON
UNITED STATES MAGISTRATE JUDGE